

Under these criteria, the Office Action fails to establish a *prima facie* case of obviousness of claims 1-15 based on the cited prior art.

Claim 1 includes "predicting a remaining run time of the battery as a function of the measured battery dynamic parameter, the discharge current, the measured battery voltage, the battery temperature, a full charge battery dynamic parameter and an estimated capacity of the battery." (Emphasis Added.)

The Office Action states that Bertness teaches "a full charge battery dynamic parameter and an estimated capacity of the battery." (Citing column 8, lines 52-58.) Column 8 lines 52-58 of Bertness state that:

In one aspect of the invention, the battery monitor performs a state of charge measurement, in real time and regardless of battery polarization, and automatically corrects for the state of health of the battery and the battery temperature. In general, state of health can be determined as a function of the battery conductance and the open circuit voltage across battery 18.

Nothing in the above language of Bertness relates to a "full charge battery dynamic parameter" and/or "an estimated battery capacity." Sakai does not overcome these deficiencies of Bertness.

Also, the Office Action correctly points out that Bertness does not disclose "predicting a remaining run time of the battery." In fact, Bertness makes no suggestion of that feature. As a result, the Office Action relies on Sakai. (Citing column 46, lines 66-67.)

Column 46, lines 60-67 of Sakai state that:

The power supply microcomputer 89 performs a division using the average battery discharge current

value "Ityp" and the count value "Cn" of the counter 91d as follows:

$$\text{Cn/Ityp} \quad (5)$$

The resultant quotient is obtained as the time display data of the remaining battery level in units of seconds.

As mentioned above, Sakai does not overcome the earlier-mentioned deficiencies of Bertness. Further, the above language of Sakai relates to obtaining time display data of the remaining battery level by performing a division using the average battery discharge current value and a count value. This is unrelated to "predicting a remaining run time of the battery as a function of the measured battery dynamic parameter, the discharge current, the measured battery voltage, the battery temperature, a full charge battery dynamic parameter and an estimated capacity of the battery," as required by claim 1.

Since neither reference teaches or suggests "predicting a remaining run time of the battery as a function of . . . a full charge battery dynamic parameter and an estimated capacity of the battery," the Office Action has failed to support a *prima facie* conclusion of obviousness (by not satisfying the third criterion for a *prima facie* conclusion of obviousness set forth in Vaeck) with regard to claim 1. Furthermore, the Office Action provided no evidentiary basis for modifying the cited references to arrive at the present invention as claimed by claim 1. Therefore, claim 1 is allowable.

Independent claim 9 has elements similar to that of independent claim 1. Thus, for the same reasons as independent claim 1, Applicants submit that independent claim 9 is allowable as well. Moreover, Applicants respectfully submit that the dependent claims are also allowable by virtue of their dependency, either directly or indirectly from the allowable independent claims. Further, the dependent claims set forth

numerous elements not shown or suggested in the cited references (Bertness and Sakai).

In view of the foregoing, Applicants respectfully request reconsideration and allowance of claims 1-15. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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